

STATE BOARD OF ELECTIONS
MINUTES OF MEETING (HEARINGS)
SEPTEMBER 20, 2004

The Rhode Island State Board of Elections reconvened at approximately 10:30 a.m. A quorum included Chair Roger Begin, Vice Chair Thomas Iannitti, Commissioners Judith Bailey, John Daluz, Florence Johnson, Frank Rego and Raymond Xavier. Acting Executive Director George Bowen and Counselor Raymond Marcaccio were in attendance, also.

Chair Begin commenced the meeting by stating that the purpose of the meeting was to hold hearings as requested with regard to the primaries held on September 14, 2004.

With regard to the first hearing brought on by Maryann Gobern Mathews of East Providence, candidate for Non-partisan City Council, Ward 3 race. (Note: See attached request/complaint that is made a part of these minutes.)

The petitioner stepped forward and addressed the Board. Ms. Mathews complained of poll workers looking at rejected ballots, workers who incorrectly guided the same voters to other precincts two and three times, redistricting problems which caused a hardship to the older voters who were using public transportation, officials unaware of the purpose of a disaffiliation form and not giving one to

those voters who requested one, problems with provisional voting, etc..

Chair Begin thanked Ms. Mathews for making the Board and local board aware of the problems which occurred in East Providence on primary day. He offered that the Board would take the issues raised by her under advisement. Furthermore, the Chair suggested that Ms. Mathews share with the local board the names of any poll workers who might have acted improperly on September 14th.

With regard to the next hearing brought on by David R. Carlin, III of Newport, candidate for State Representative, District 75 (Note: See attached request/complaint that is attached and made a part of these minutes.):

Mr. Carlin was not present for today's hearing. He called the Board of Elections on Friday (9-17-04) at approximately 3:58 p.m. to request another hearing date because his attorney had a prior engagement. Attorney Marcaccio offered that no one indicated that this would be done. In the absence of Mr. Carlin and/or representative to present his case, the Board unanimously voted to dismiss the complaint.

RI Board of Elections

Minutes of Meeting

9-20-04

Page 2

With regard to the next hearing brought on by Mr. Christopher Young of Providence, candidate for Senate, District 3 and House, District 2 (Note: See attached request/complaint that is attached and made a part of these minutes.):

The petitioner stepped forward and addressed the Board. Mr. Young stated that he wanted two new elections, not recounts. He spoke of erroneous mailings by the Providence Canvassing Authority to approximately 23,000 voters. In some cases, family members registered from the same address where given notice to vote at different polling locations, some voters got no notice of where to vote or they received notification as late as three days before the primary. Additionally, Mr. Young questioned if persons requesting mail ballots actually got the correct ballot. If the local board notified voters who were voting in person of the wrong polling locations/districts, then perhaps the board notified the Office of the Secretary of State to send out the wrong mail ballots. Mr. Young asked that the Board disqualify all mail ballots cast in his districts.

At this time, Raymond Dettore, Legal Counsel for the Providence Board of Canvassers asked to address the Board. He stated that no one called the local board to complain that they received the wrong card (notice) of where to vote. He knew of no one who was denied the right to vote. With this, Commissioner Bailey made a motion to deny Mr. Young his request for another election in Representative District 2 and Senate District 3. Seconded by several Members, the motion carried unanimously.

With regard to the next hearing brought on by Wilbur Jennings, candidate for Representative, District 10 (Note: See attached request/complaint that is attached and made a part of these minutes.):

Attorney Raymond Marcaccio spoke. He offered that Mr. Jennings' request failed to state any factual basis for a hearing and that he (Marcaccio) had conveyed this to Mr. Jennings' lawyer, Attorney Keven McKenna.

At this time, Mr. McKenna asked to address the Board. Chair Begin stated that the Board would allow Attorney McKenna five minutes to present his client's case. With this, Mr. McKenna offered that he was representing his client on a regulatory complaint. He spoke of several problems:

- the roughly 22,000 voters who received the wrong (voting) location**

notice from the local board;

- the large number of ballots that were rejected by the optical scanner;**

- the dry marking instruments, that is, the magic markers with no ink.**

Mr. McKenna maintained that the scanners were unable to read the voters' choices (ballots) because the ink was so dry that the arrows did not appear to be connected; and

- that Democratic checkers were allowed to assist voters, not 2 supervisors as determined by the Warden.**

RI Board of Elections

Minutes of Meeting

9-20-04

Page 3

In closing, Attorney McKenna suggested that a future hearing be held on the matters brought forth today. With this, Chair Begin thanked Mr. McKenna for his concerns and presentation.

With regard to the next hearing brought on by Carla Ricci. Ms. Ricci alleged a voting irregularity at Anthony Carnevale School, Providence. (Note: See attached request/complaint that is attached and made a part of these minutes.):

Ms. Ricci, who was notified by mail of today's hearing, was not in attendance to present her complaint to the Board. In the absence of

Ms. Ricci and/or representative to present her case, the Board unanimously voted to dismiss the complaint.

With regard to the next hearing brought on by Lorell Ferri. Ms. Ferri alleged a voting irregularity at Anthony Carnevale School, Providence. (Note: See attached request/complaint which is attached and made a part of these minutes.):

Ms. Ferri, who was notified by mail of today's hearing, was not in attendance to present her complaint to the Board. In the absence of Ms. Ferri and/or representative to present her case, the Board unanimously voted to dismiss the complaint.

With regard to the next hearing brought on by Rochelle Bates Lee. Ms. Lee protested "widespread irregularities that occurred during the Primary election on September 14, 2004 in State Senate District 2". (Note: See attached request/complaint which is attached and made a part of these minutes.):

Ms. Lee, who was notified by mail of today's hearing, was not in attendance to present her case to the Board. In the absence of Ms. Lee and/or representative to present her case, the Board unanimously voted to dismiss the complaint.

With regard to the next hearing brought on by Richard & Lisa Indeck. (Note: See attached request/complaint that is attached and made a

part of these minutes.)

At the Chair's invitation, Mr. Indeck addressed the Board. He offered that he and his wife were unable to cast their votes on the optical scanner equipment because there was some confusion (on the part of the polling officials) over the Indeck's correct polling precinct. (Note: Two different precincts/sets of registration books were located in the same building/room). When the correct location was determined "on the other side of the room", it was too late for them to cast their votes on the scanner. The time was after 9:00 p.m. and the equipment had been turned "off". The Indecks declined to vote by way of "an affidavit or some form (like reregistering) that might or might not be accepted". Mr. Indeck remarked that he was particularly upset because it was to be his wife's first-time voting as a naturalized citizen and he has voted in almost every election since he was eligible.

RI Board of Elections

Minutes of Meeting

9-20-04

Page 4

Upon completion of Mr. Indeck's presentation, Chair Begin apologized for the confusion and asked the Board and Executive staff for comments, discussion and suggestions on how to prevent similar confusion at the polls. Several Members suggested the following:

- that a notice could be placed outside the structure advising that the building housed more than one polling precinct. This action would lessen the chance of voters being turned away if their names were not found in the first set of books;
- voters would be sent to the other side of the room to check the second set of books (registration rolls) before being sent to another polling address; and
- college students could be hired to help find a voter's name on the precinct list (or city wide list, if need be).

At this time, Chair Begin thanked the Indecks for coming forward with their concerns. With no other hearings/complaints before the Members, the Board adjourned for the day without opposition. The Board agreed to return tomorrow at 9:30 a.m. to address the impact of the Central Voter Registry implementation on the September 14, 2004 primaries and review the Board decision of September 1, 2004 to permit thirty-four (34) local boards of canvassers to change voting lists prior to the November 2, 2004 general election.

ATTEST:

Frances A. Keating

Coordinator, Special Projects